

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

MELINDA SCOTT,  
Plaintiff,

v.

WISE COUNTY DEPARTMENT OF  
SOCIAL SERVICES, *et al.*,

Defendants.

**Case No. 2:20-cv-14**

**JOSHUA MOON'S  
REPLY IN FURTHER SUPPORT OF  
RENEWED MOTION FOR ATTORNEY'S FEES**

NOW COMES Defendant Joshua Moon, by counsel, and files this Reply in Further Support of His Renewed Motion for Attorney's fees. In further support of this Motion, Mr. Moon states as follows:

1. Ms. Scott has filed what purports to be an independent "Motion to Dismiss" (ECF No. 139) instead of an opposition to Mr. Moon's Renewed Motion (ECF No. 135). Mr. Moon assumes for purposes of this filing that the "Motion to Dismiss" was intended as a simple opposition. To the extent that the Court might wish to construe it as an independent Motion, Mr. Moon respectfully requests that the Court give notice of any intention to do so and permit him to respond appropriately.

2. Mr. Moon respectfully submits that the entirety of Ms. Scott's filing at ECF No. 139 is based on erroneous premises of fact or law. Factually, Ms. Scott conflates Mr. Moon's Motion for Attorney's Fees on Appeal with his Motion for Attorney's Fees in the District Court.<sup>1</sup> Legally, Ms. Scott cites caselaw for the proposition that an *in forma pauperis* plaintiff cannot be required to pay attorney's fees, but the Plaintiff's citations run directly counter to such a novel proposition rather than supporting it.

3. To the extent that the Court has any questions, Mr. Moon requests to be heard orally. In light of the voluminous filings to date, however, Mr. Moon is happy to rest upon his prior briefing and does not request such a hearing unless the Court feels that there are issues that remain to be addressed in this matter.

WHEREFORE, Joshua Moon respectfully requests that this Court grant him attorney's fees in the amount previously requested.

Respectfully submitted this the 27<sup>th</sup> day of March, 2023,

JOSHUA MOON

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<sup>1</sup> To the extent that the Plaintiff's now-dismissed appeals are at all relevant for purposes of the instant Motion, Mr. Moon respectfully submits that the Plaintiff's continued failure to prevail on any cause of action bolsters Mr. Moon's arguments that he is entitled to fees and costs.

**By Counsel:**

/s/Matthew D. Hardin

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**Certificate of Service**

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I have also deposited a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott  
2014PMB87  
Post Office Box 1133  
Richmond, VA 23218

Dated: March 27, 2023

/s/Matthew D. Hardin  
Matthew D. Hardin  
*Counsel for Joshua Moon*